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Attorney Docket 13833.0008

1/16/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Emmanuelle BELLI

Serial No.

Filed: Herewith

For: LONG-RETENTION HAIRSTYLING GEL

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to initial examination, please amend the above-identified application as follows:

IN THE SPECIFICATION:

Page 3, replace the third paragraph at lines ¹⁴⁻¹⁶~~11-13~~ as follows:

--They are in particular described in published international patent application WO 00/40628 whose content forms an integral part of the present application and whose content is expressly incorporated herein by reference.--

Page 3, replace the last full paragraph at lines 22-24 as follows:

--The more hydrophobic blocks have a molecular weight of 10,000 to 100,000 and the more hydrophilic blocks have a molecular weight of 1000 to 100,000.--

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0317108Page 2, replace the last ~~two~~ paragraphs as follows:

--The inventor has found, after long research work, a particular combination of thickening polymers which make it possible to overcome the problems of fluidization and alteration of the properties of using the gel which are disclosed above.

The subject of the present invention is consequently cosmetic compositions containing in a cosmetically acceptable carrier:

- (a) at least one fixing film-forming polymer chosen from branched block copolymers comprising, as principal monomers, (1) at least one C_{1-20} alkyl acrylate and/or at least one N-mono- or N,N-di- (C_{2-12}) alkylacrylamide or alkylmethacrylamide, and (2) acrylic acid and/or methacrylic acid,
- (b) at least one thickening agent chosen from homopolymers and copolymers based on acrylic acid or methacrylic acid, which are cross-linked or non-cross-linked, and
- (c) at least one co-thickening agent chosen from non-cellulosic thickening polymers different from thickening agent (b).--

fourth and fifth
Page 3, replace the ~~third and fourth~~ paragraphs as follows:

--The branched block copolymers described above are provided, for example, under the names EX-SDR-26® and EX-SDR-45® by GOODRICH.

These copolymers have the following composition:

acrylic acid - 26 to 36 mol%,
n-butyl acrylate - 27.5 to 30.5 mol%,
methacrylic acid - 33.3 to 45.3 mol%, and
allyl methacrylate - 0.48 to 0.92 mol%.--

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4 first
 Page 3, replace the ~~last~~ paragraph as follows:

BT --The above fixing film-forming polymers are preferably used in anionic form, that is to say in the form of a salt resulting from the partial or complete neutralization of the acrylic or methacrylic acid groups. The neutralizing agent may be any physiologically acceptable inorganic or organic base which does not interfere in a--

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second fifth
 Page 4, replace the ~~first~~ through ~~fourth~~ full paragraphs as follows:

BS --The cosmetic compositions of the present invention generally contain between 0.1 and 10% by weight, and preferably between 1 and 5% by weight, of fixing film-forming polymer relative to the total weight of the final composition.

The thickening system used in the cosmetic compositions of the present invention necessarily comprises:

- (b) at least one thickening polymer based on acrylic acid or methacrylic acid, and
- (c) at least one noncellulosic thickening polymer (co-thickening agent) different from the thickening polymer (b).

The thickening polymer (b) is chosen from poly(acrylic acid), poly(methacrylic acid), copolymers of acrylic acid and methacrylic acid, copolymers comprising units derived from acrylic acid and/or methacrylic acid as well as units derived from other acrylic or vinyl monomers such as C₁₋₃₀ alkyl acrylates, C₁₋₃₀ alkyl methacrylates, and vinyl acetate.

These acrylic homopolymers or copolymers may also be cross-linked.--

third

0317108
 Page 5, replace the ~~first~~ paragraph as follows:

B6
 --There may be mentioned, by way of examples of such polymers, those marketed by GOODRICH under the names Carbopol® 940, Carbopol® 941, Carbopol® 980, Carbopol® 981, Carbopol® ETD 2001, Carbopol® ETD 2050, Carbopol® 2984, Carbopol® 5984 and Carbopol® Ultrez 10, by 3V under the names Synthalen® K, Synthalen® L and Synthalen® MS, and by PROTEX under the names Modarez® V1250 PX, Modarez® V2000 PX, Viscaron® A1600 PE and Viscaron® A700 PE.--

fifth

0317108
 Page 5, replace the ~~third~~ paragraph as follows:

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 --Such copolymers are marketed, for example, by GOODRICH under the names Carbopol® 1342, Carbopol® 1382, Pemulen® TR1 and Pemulen® TR2.--

first

0317108
 Page 6, replace the ~~last~~ two paragraphs as follows:

B8
 --For the production of a satisfactory thickening effect, that is to say for the production of a viscosity which is at least equal to 50 deviation units on a RHEOMAT 180 viscometer, rotor 3 (25°C, reading after 30 seconds), that is about 1.9 Pa.s, this first thickening constituent (b) should be combined with a second constituent (c) performing the role of co-thickening agent.

This co-thickening agent is chosen from thickening polymers different from the thickening agents (b), excluding the cellulosic thickening polymers.--

second full

page 7, first full paragraph

0317108
 Page 6, replace the ~~first through fourth~~ paragraphs as follows:

B9
 --According to a preferred embodiment of the present invention, this co-thickening agent (c) is a polymer of non-cellulosic natural origin.

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There may be mentioned by way of thickening polymers of natural origin which can be used as co-thickening agents guar, xanthan, scleroglucan, gelan, rhamsan and karaya gums, alginates, maltodextrin, starch and its derivatives, and carob flour, and the use in particular of guar gums such as that marketed under the name Jaguar® HP105 by RHODIA, or the xanthan gums such as those marketed under the names Keltrol® and Kelza® by MONSANTO, or under the name Rhodopol® by RHODIA, is preferred.

As synthetic co-thickening agents, there may be used, for example, polyethylene glycols and their derivatives, as well as the homopolymers and copolymers, cross-linked or otherwise, based on acrylamide or methacrylamide such as the homopolymers of 2-acrylamido-2-methylpropane sulphonic acid, the copolymers of acrylamide or methacrylamide and of methacryloyloxyethyltrimethylammonium chloride, or the copolymers of acrylamide and 2-acrylamido-2-methylpropanesulphonic acid.

The concentration of the co-thickening agent in the cosmetic compositions according to the present invention is preferably between 0.05 and 2% by weight, and in particular between 0.1 and 1% by weight, relative to the total weight of the final composition.--

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third
Page 7, replace the ~~first~~ full paragraph as follows:

--The cosmetic compositions of the present invention may contain, in addition, other ingredients commonly used in the cosmetic field and appropriate for the application envisaged. There may be mentioned, by way of example of such additives, for example colorants, pigments, perfumes, silicones which are volatile or otherwise, organomodified or otherwise, sunscreens, anionic, nonionic, cationic or amphoteric fixing polymers, different from those described above (such as for example polyvinylpyrrolidone), as long as they do not adversely affect the advantageous properties of the cosmetic compositions of the present invention.--

8031108 9/
Page 8, replace the entire page as follows:

B10

| | A | B | C |
|---|-----------|-----------|-----------|
| Fixing polymer ^{a)} | 0.2 | 0.2 | 0.2 |
| Acrylic thickening polymer ^{b)} | 1.4 | 1.4 | 1.4 |
| Noncellulosic co-thickening agent ^{c)} | 0.3 | | |
| Cellulosic co-thickening agent ^{d)} | | 0.3 | |
| Silicone ^{e)} | 0.2 | 0.2 | 0.2 |
| Ethanol at 96° | 17.2 | 17.2 | 17.2 |
| 2-Amino-2-methyl-1-propanol | qs pH 7.5 | qs pH 7.5 | qs pH 7.5 |
| Water | qs 100 | qs 100 | qs 100% |
| Viscosity ^{f)} | 2.540 | 1.480 | 1.535 |

- a) Ex-SDR-26[®], branched block copolymer of butyl acrylate and acrylic and methacrylic acids which is marketed by GOODRICH
- b) Carbopol[®] Ultrez 10, poly(acrylic acid) marketed by GOODRICH
- c) Jaguar[®] HP 105, guar gum marketed by RHODIA
- d) Klucel EF[®], hydroxypropyl cellulose (on average 22 mol of ethylene oxide and 23 mol of propylene oxide) marketed by AQUALON
- e) Mirasil[®] DMCO, polydimethylsiloxane marketed by RHODIA--

Page 9, replace the last two paragraphs as follows:

GA 03/17/08
B11
--This example shows that the hairstyling gel A according to the present invention possesses a substantially higher viscosity than the comparative hairstyling gel C free of co-thickening agent and containing, as sole thickening agent, an acrylic thickening polymer (Carbopol[®] Ultrez 10).

The comparison of the hairstyling gel A according to the present invention with the comparative hairstyling gel B containing an acrylic thickening polymer (Carbopol[®] Ultrez 10) combined with a cellulosic co-thickening agent (Klucel[®]) shows that the replacement of a cellulosic co-thickening agent with a non-cellulosic co-thickening agent spectacularly improves the viscosity of the hairstyling gel.--
